#### REPORTS ANALYSIS REFERRAL

TO

#### OFFICE OF GENERAL COUNSEL

DATE: February 22, 1999

ANALYST: Andrew Dodson

I. COMMITTEE: Pepsi-Cola Bottlers Association-PAC

(C00122671)

Allen Fleischer, Treasurer (March 4, 1997 - Present) Walter Wilkinson, Treasurer

(February 8, 1996 - March 3, 1997)

251 O'Connor Ridge Blvd.

Irving, TX 75038

II. RELEVANT STATUTE: 2 U.S.C. §434(a)(4)(A)(i)

11 CFR §104.5(c)(1)(i)(A)

#### III. BACKGROUND:

Failure to Timely File the 1998 October Quarterly Report

The Pepsi-Cola Bottlers Association-PAC ("the Committee") failed to timely file the 1998 October Quarterly Report of Receipts and Disbursements covering the period July 1, 1998 to September 30, 1998. On December 29, 1997 and September 18, 1998, Prior Notices were sent to the Committee informing it that the 1998 October Quarterly Report was due on October 15, 1998 (Attachment 2). A Non-Filer Notice was sent to the Committee via mailgram on November 4, 1998 (Attachment 3).

On December 7, 1998, the Reports Analysis Division ("RAD") analyst contacted the Committee Controller, Ms. Nancy Martinez. Ms. Martinez stated

## PEPSI-COLA BOTTLERS ASSOCIATION-PAC OGC REFERRAL

PAGE 2

that she had attempted to electronically file the October Quarterly Report and had assumed that the filing had been received by the Commission. The RAD analyst stated that the Commission had no record of receiving the 1998 October Quarterly Report and Ms. Martinez agreed to file the October Quarterly Report as soon as possible (Attachment 4).

The Committee filed the 1998 October Quarterly Report on December 11, 1998 (Attachment 5). Ms. Martinez enclosed a cover letter with the report which stated the following: "As we discussed, it was filed electronically, and I apparently failed to print out the acknowledgment, which I received from the FEC via e-mail. However, I do have the validation information, which I printed just prior to e-mailing the report."\*

<sup>\*</sup>The Federal Election Commission's electronic filing system does not maintain documentation or records of unsuccessful attempts to file reports, but the system does record successful transmissions. No record could be found of a successful transmission of the Committee's 1998 October Quarterly Report.

Attachment #1
Page 1

DATE 2/22/1999

CONNITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

| COMMITTEE | DOCUMENT | RECEIPTS DISBURSEMENTS | # OF    | inage    |
|-----------|----------|------------------------|---------|----------|
|           |          | COMERAGE DATES         | PAGES   | LOCATION |
|           |          | TYPE                   | OF FILE | R        |
| ********* |          |                        |         |          |

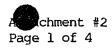
| PEPSI-COLA BOTTLERS ASS | SOCIATION-PAC             |          |   |               | ID #C00122671 HON- | PARTY QUALIFIED         |
|-------------------------|---------------------------|----------|---|---------------|--------------------|-------------------------|
| ECTED ORGANIZATION: PE  | PSI-COLA BOTTLERS ASSOCIA | TION INC |   |               |                    |                         |
| 1997 STATEMENT OF O     | RGANIZATION - AMENDMENT   |          |   |               | 31AR97             | 2 97FEC/187/3747        |
| STATEMENT OF O          | KGANIZATION - AMENDMENT   |          |   |               | 311AR97            | 3 97FEC/187/4849        |
| HID-YEAR REPORT         | [                         | 18,966   |   | <b>4,293</b>  | 1JAN97 -30JUN97    | 10 97FEC/216/1689       |
| YEAR-END                |                           | 8,462    |   | 9,888         | 1JUL97 -31DEC97    | 7 98FEC/259/1827        |
| 1998 APRIL QUARTERLY    | ł                         | 1,567    |   | 4,758         | 1JAN98 -31MAR98    | 5 98FEC/384/1599        |
| JULY QUARTERLY          |                           | 16,880   |   | 4,643         | 1APR98 -30JUN98    | 8 98F99/002/0700        |
| october quartei         | BFA                       | 4,178    |   | 15,000        | 1JUL98 -30SEP98    | 8 98FEC/411/2178        |
| NOTICE OF FAIL          | IRE TO FILE               |          |   |               | 1JUL98 -30SEP98    | 2 98FEC/391/2286        |
| PRE-GENERAL             |                           | 8        |   | 500           | 10CT98 -140CT98    | 3 98F99/882/8275        |
| POST-SENERAL            |                           | 6,000    |   | 2,000         | 150CT98 -23W0V98   | 4 98F99/003/0180        |
| POST-GENERAL            | - AMENDMENT               | 6,822    |   | 2,888         | 150CT98 -23NOV98   | 4 98F99/113/2293        |
| YEAR-END                |                           | 22       |   | 1,037         | 24HOV98 -31DEC98   | <b>4 99F99/001/0679</b> |
| YEAR-END                | - AMENDMENT               | 43       |   | 1,837         | 24KOV98 -31DEC98   | 4 99F99/001/0788        |
| TOTAL                   |                           | 55,238   | 9 | <b>§1,223</b> | 0                  | 64 TOTAL PAGES          |

All reports have been reviewed

Ending Cash on Hand as of 12/31/98: \$27,162

Debts and Obligations owed by the Committee: \$0.00 Debts and Obligations owed to the Committee: \$0.00

## YEAR-END



## REPORT NOTICE

#### FEDERAL ELECTION COMMISSION

#### PARTIES AND PACS

December 29, 1997

#### WHO MUST FILE

Party committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file a Year-End Report on January 31, 1998.

| I. Semi-annual Filers |                     |                                 |                |  |  |
|-----------------------|---------------------|---------------------------------|----------------|--|--|
| REPORT                | REPORTING PERIOD*_  | REG./CERT.<br>MAILING<br>DATE** | FILING<br>DATE |  |  |
| Year-End              | 07/01/97 - 12/31/97 | 01/31/98                        | 01/31/98       |  |  |
| II. Monthly File      | rs                  | REG./CERT.                      |                |  |  |
| REPORT                | REPORTING PERIOD*   | MAILING<br>DATE**               | FILING<br>DATE |  |  |
| Year-End              | 12/01/97 - 12/31/97 | 01/31/98                        | 01/31/98       |  |  |

#### LABEL

Committees should affix the peel-off label from the envelope to line 1 of the report. Corrections should be made on the label.

#### **COMPLIANCE**

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

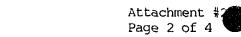
#### **ELECTRONIC FILING**

For reports covering activity occurring in 1997 (and later), political committees have the option of filing electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing Gets Underway at FEC," and call the Data Division at (800) 424-9530 or (202) 219-3730.

(over)

<sup>\*</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>\*\*</sup> Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.



#### 1998 FILING SCHEDULE

I. QUARTERLY FILERS

|                   |                     | REG./CERT. | ***       |
|-------------------|---------------------|------------|-----------|
|                   |                     | MAILING    | FILING    |
| REPORT            | REPORTING PERIOD*   | DATE**     | DATE      |
| April Quarterly   | 01/01/98 - 03/31/98 | 04/15/98   | 04/15/98  |
| July Quarterly    | 04/01/98 - 06/30/98 | 07/15/98   | 07/15/98  |
| October Quarterly | 07/01/98 - 09/30/98 | 10/15/98   | 10/15/98  |
| Pre-General       | 10/01/98 - 10/14/98 | 10/19/98   | 10/22/98  |
| Post-General      | 10/15/98 ~ 11/23/98 | 12/03/98   | 12/03/98  |
| Year-End          | 11/24/98 - 12/31/98 | 01/31/99   | _01/31/99 |

#### II. MONTHLY FILERS

|              |                     | REG./CERT. |          |
|--------------|---------------------|------------|----------|
|              |                     | MAILING    | FILING   |
| REPORT       | REPORTING PERIOD*   | DATE**     | DATE     |
| February     | 01/01/98 - 01/31/98 | 02/20/98   | 02/20/98 |
| March        | 02/01/98 - 02/28/98 | 03/20/98   | 03/20/98 |
| April        | 03/01/98 - 03/31/98 | 04/20/98   | 04/20/98 |
| May          | 04/01/98 - 04/30/98 | 05/20/98   | 05/20/98 |
| June         | 05/01/98 - 05/31/98 | 06/20/98   | 06/20/98 |
| July         | 06/01/98 - 06/30/98 | 07/20/98   | 07/20/98 |
| August       | 07/01/98 - 07/31/98 | 08/20/98   | 08/20/98 |
| September    | 08/01/98 - 08/31/98 | 09/20/98   | 09/20/98 |
| October      | 09/01/98 - 09/30/98 | 10/20/98   | 10/20/98 |
| Pre-General  | 10/01/98 - 10/14/98 | 10/19/98   | 10/22/98 |
| Post-General | 10/15/98 - 11/23/98 | 12/03/98   | 12/03/98 |
| Year-End     | 11/24/98 - 12/31/98 | 01/31/99_  | 01/31/99 |

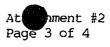
#### 24 HOUR REPORT ON INDEPENDENT EXPENDITURES

Any PAC that makes independent expenditures in connection with an election may have to file a 24 hour report. This reporting requirement is triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election.

<sup>\*</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>\*\*</sup> Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

# QUARTERLY



# REPORT NOTICE

#### FEDERAL ELECTION COMMISSION

#### PARTIES AND PACS

September 18, 1998

#### WHO MUST FILE

Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) filing on a quarterly basis must file a Quarterly Report in October.

|                   |                     | REG./CERT. |          |
|-------------------|---------------------|------------|----------|
| DEDADT            | DEDARTMA DEDIAN+    | MAILING    | FILING   |
| REPORT            | REPORTING PERIOD*   | DATE**     | DATE     |
| October Quarterly | 07/01/98 - 09/30/98 | 10/15/98   | 10/15/98 |

#### 24 HOUR REPORT ON INDEPENDENT EXPENDITURES

Any Party Committee or PAC that makes independent expenditures in connection with an election may have to file a 24 hour report. This reporting requirement will be triggered if the committee makes independent expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the day of the election.

#### PRE-ELECTION REPORTING

Committees which make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See the January 1998 <u>Record</u>.

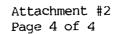
#### LABEL

Committees should affix the peel-off label from the envelope to line 1 of the report. Corrections should be made on the label.

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<sup>\*</sup>These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

<sup>\*\*</sup> Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.





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#### **PARTIES AND PACS**

#### **October Quarterly**

#### **CHANGE IN FILING FREQUENCY**

Committees wishing to change their reporting schedule (for example, from quarterly to monthly) must notify the Commission in writing when they file their next report due under their current reporting schedule. Committees may change their filing frequencies no more than once per calendar year.

#### **ELECTRONIC FILING**

Political committees have the option of filing their reports electronically. If you are interested in this option, review the enclosed handout entitled "Electronic Filing of Disclosure Reports," and call the Data Division at (800) 424-9530 or (202) 694-1250.

#### **COMPLIANCE**

Treasurers of political committees are responsible for filing all reports on time. Failure to do so is subject to enforcement action. Committees filing illegible reports or using non-FEC forms (except for FEC approved computer generated forms) will be required to refile.

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CONFIRMATION OF MAILGRAM

WESTERN UNION COMMERCIAL SERVICES TO: ALLEN FLEISCHER PEPSI-COLA BOTTLERS ASSOCIATION-PAC 251 O'CONNOR RIDGE BLVD. IRVING TX 75038

FEDERAL ELECTION COMMISSION SHAWN WERTH 999 E ST. NW. HASHINGTON DC 204630001

NOVEMBER 4, 1998

IDENTIFICATION NUMBER: CO0122671

REFERENCE: OCTOBER! QUARTERLY (07/01/1998 - 09/30/1998)

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT. AS AMENDED. YOU WERE PREVIOUSLY NOTIFIED OF THE DUE DATE FOR THIS REPORT.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. A COPY OF THE REPORT OR RELEVANT PORTIONS SHOULD ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER.

ALTHOUGH THE COMMISSION MAY INITIATE AN AUDIT OR LEGAL ENFORCEMENT ACTION CONCERNING THIS MATTER, YOUR PROMPT RESPONSE AND A LETTER OF EXPLANATION WILL BE TAKEN INTO CONSIDERATION.

IF YOU HAVE ANY QUESTIONS REGARDING THIS HATTER, PLEASE CONTACT ANDREW DOOSON ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (2023694-1130.

SINCERELY.

JOHN D. GIBSON ASSISTANT STAFF DIRECTOR REPORTS ANALYSIS DIVISION

#### **TELECON**

ANALYST: Andrew Dodson

**CONVERSATION WITH:** Nancy Martinez, Controller

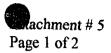
**COMMITTEE**: Pepsi-Cola Bottlers Association-PAC

DATE: December 7, 1998

SUBJECT: Failure to file the 1998 October Quarterly Report

On December 7, 1998 I called Nancy Martinez, Controller for the Pepsi-Cola Bottlers Association-PAC, and informed Ms Martinez that the Pepsi-Cola Bottlers Association-PAC had failed to file the 1998 October Quarterly report. Ms Martinez stated that she had attempted to electronically file the October Quarterly report and that she had assumed that the filing had been successful. Ms Martinez stated that she would file the October Quarterly report as soon as possible.





RESERVED COMMISSION MAIL ROOF

Dec 11 12 26 PH '98

December 7, 1998

Mr. Andy Dodson, Reports Analysis Div. Federal Election Commission 999 E. Street, NW Washington, DC 20463

Re: 3Q Report

Dear Mr Dodson

Per our telephone conversation, I am enclosing a copy of our 3Q report, which was filed on October 2, 1998. As we discussed, it was filed electronically, and I apparently failed to print out the acknowledgement, which I received from the FEC via e-mail. However, I do have the validation information, which I printed just prior to e-mailing the report.

If you require further information, I will be happy to help in any way.

Sincerely,

Nancy Martinez

Controller

Enc.

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## REPORT OF RECEIPTS AND DISBURSEMENTS

achment # 5

For Other Than An Authorized Committee Page 2 of 2 (Summary Page) 1, NAME OF COMMITTEE (In full) REGRIVED Pepsi-Cola Bottlers' Association Political Action Committee FEUERAL ELECTION COMMISSION Hall GOOK ADDRESS (number and street) Check if different than previously reported 251 O'Connor Ridge Blvd., Ste #250 2. FEC IDENTIFICATION NUMBER 17 26 PH 198 C00122671 CITY, STATE, and ZIP CODE This committee has qualified as a multicandidate committee (see FEC Form 1M) TX 75038 4. TYPE OF REPORT (a) April 15 Quarterly Report Monthly Report Due On: October 20 February 20 June 20 November 20 March 20 July 20 July 15 Quarterly Report December 20 April 20 August 20 January 31 May 20 September 20 X October 15 Quarterly Report January 31 Year End Report Twelfth day report preceding (election type) July 31 Mid-Year Report (Non-election Year Only) election on in the State of Thirtieth day report following the General Election in the State of Termination report X NO Is this Report an Amendment YES **(b)** SUMMARY **COLUMN A COLUMN B** 07/01/1998 through 09/30/1998 This Period Calendar Year-to-Date 5. Covering Period 27288.35 (a) Cash on Hand, January 1, (b) Cash on Hand at Beginning of Reporting Period ..... 35462.50 21738.11 4170.43 (c) Total Receipts (from line 19) Subtotal (add Lines 6(b) and 6(c) for Column A and 49026.46 39832.93 Lines 6(a) and 6(c) for Column B) ..... 15000,00 24393.53 7. Total Disbursements (from line 30) ...... 24632.93 24532.93 8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)) ....... For further information 9. Debts and Obligations Owed TO the Committee 0.00 contact: (Itemize all on Schedule C and/or Schedule D) Federal Election Commission 10. Debts and Obligations Owed BY the Committee 0.00 999 E Street, NW (itemiza all on Schedule C and/or Schedule D) ...... Washington, DC 20463 I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct, Toll Free 800-424-9530 and complete. Local 202-219-3420 Type or Print Name of Treasurer Electronically Filed by Mr. David Doherty Date Signature of Treasurer 10/02/1998

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §4379.